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Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: PR Docket 92-257, Ex Parte Communication

Dear Ms. Dortch:

This is to inform the Commission that the undersigned counsel for Mobex Communications, Inc. ("Mobex"), along with Mobex President/CEO John Reardon, met with the following Commission staff on October 2, 2003, to discuss the Petition for Reconsideration filed by Mobex in the above-referenced proceeding:

Paul Margie	Office of Commissioner Copps
Sam Feder	Office of Commissioner Martin
Jennifer Manner	Office of Commissioner Abernathy
Barry Ohlson	Office of Commissioner Adelstein

Attached hereto is an outline of the presentation, copies of which were provided during the meetings. Please contact the undersigned should the Commission have any questions regarding this matter.

Respectfully submitted,



Robert M. Gurss
Counsel for Mobex Communications, Inc.

Attachment

cc: Paul Margie, Esq.
Sam Feder, Esq.
Jennifer Manner, Esq.
Barry Ohlson, Esq

MOBEX COMMUNICATIONS, INC.
MEETINGS WITH FEDERAL COMMUNICATIONS COMMISSION
PR Docket 92-257
October 2, 2003

**AUTOMATED MARITIME TELECOMMUNICATIONS SERVICE
(AMTS)**

- Provides vital ship-shore communications for maritime industry on inland waterways and along coastal areas, using frequencies in 216-220 MHz range.
- AMTS also provides a variety of other mobile radio services, pursuant to flexible FCC rules in Part 80.
- Mobex is the largest provider of AMTS.

INCUMBENT SITE-SPECIFIC LICENSING

- AMTS previously licensed on site-specific basis, with an obligation to provide *continuity of service* along navigable waterways.
- Part 80 rules for AMTS rules did not include specific service or interference contours. Other Part 80 services, including VHF Public Coast, use 17 dBu contours.
- Applicants selected system design and service contours based upon continuity of service requirement.
- Mobex applied for and received licenses based upon a design using *17 dBu contours* defining its service area and meeting continuity of service requirement.
- Mobex constructed system based upon 17 dBu contours.
- Mobex customers operate within service areas defined by 17 dBu contours.

- The other AMTS incumbent, PSI, also applied for and received 17 dBu contours. PSI supports Mobex that 17 dBu contours should be the incumbents' contours.

GEOGRAPHIC AREA LICENSING

- *Fifth Report & Order* (released April 8, 2002) adopted geographic area licensing and competitive bidding procedures for future AMTS licenses.
- FCC adopted rules to protect incumbents, *but only to 38 dBu contour*.

MOBEX PETITION FOR RECONSIDERATION (filed August 23, 2002)

- In similar contexts, FCC has always protected incumbents to their existing contours.
- With a 38 dBu contour, Mobex and its customers will lose service area.
- Mobex will be unable to provide continuity of service in some areas if only protected to a 38 dBu contour, threatening the safe passage of commercial vessels.
- Auction winners will be able to license space between Mobex sites, creating havoc for AMTS end-users and posing green-mail opportunity.
- FCC's selection of 38 dBu is based upon Part 90 rules for 220 MHz band. AMTS is a Part 80, Maritime Service for which 17 dBu contours are the norm. In all other respects, the FCC followed Part 80 rules in the Fifth Report & Order.
- FCC should protect incumbents to the 17 dBu contours specified in their license applications and the subsequent grants of those licenses.

